

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ADRIAN NEMMERS)
)
v.) No. 3-10-0785
)
ARJN, LLC d/b/a Jonathan's Grille)

ORDER

By contemporaneously entered order, the Court has approved and entered the parties' agreed case management order, with modifications addressed at the initial case management conference held on October 26, 2010. Those modifications and other matters addressed on October 26, 2010, are as follows:

1. The defendant shall have until November 5, 2010, to file an answer to the complaint.
2. Because the parties anticipate little or no discovery of electronically stored information, they are exempted from the provisions of Administrative Order No. 174, entitled "Default Standard for Discovery of Electronically Stored Information ('E-Discovery')," entered July 9, 2007.
3. The plaintiff shall have until November 29, 2010, to file any motion to join parties (not including any opt-in plaintiffs).
4. The defendant shall have until December 27, 2010, to file any motion to join parties.
5. The plaintiff shall have until May 6, 2011, to serve any rebuttal expert disclosures in accord with Rule 26(a)(2) of the Federal Rules of Civil Procedure.
6. Counsel for the parties shall convene a telephone conference call with the Court on **Thursday, April 28, 2011, at 10:00 a.m.**, to be initiated by plaintiff's counsel, to address the status of the case, the potential for settlement, and any other appropriate matters.

As provided in the contemporaneously entered order, any dispositive motion shall be filed by August 29, 2011. Any response shall be filed within 21 days of the filing of the motion or by September 19, 2011, if the motion is filed on August 29, 2011. Any reply, if necessary, shall be

filed within 14 days of the filing of the response or by October 3, 2011, if the response is filed on September 19, 2011.

No other filings in support of or in opposition to any dispositive motion shall be made except with the express permission of the Honorable John T. Nixon.

There shall be no stay of discovery before the May 27, 2011, deadline for completion of all discovery even if a dispositive motion is filed prior thereto.

In consultation with Judge Nixon's office, a jury trial is scheduled to begin on **Tuesday, January 10, 2012, at 9:00 a.m.**, in Courtroom 774, U.S. Courthouse, 801 Broadway, Nashville, TN. The parties estimate that the trial will last 2-3 days.

The parties are directed to contact Ms. Mary Conner, courtroom deputy to Judge Nixon, by 12:00 noon on Friday, January 6, 2012, if this case has settled. Failure to provide such notification in the event the parties have settled the case may result in assessment of costs against the parties and/or their attorneys, including but not limited to the costs of summoning the jurors.

The pretrial conference is also scheduled before Judge Nixon, on **Thursday, December 15, 2011, at 10:00 a.m.**, in Chambers, 770 U.S. Courthouse.

By November 18, 2011, counsel shall advise opposing counsel of those portions of any depositions to be read to the jury or those portions of video depositions to be viewed by the jury, in accord with Local Rule 32.01(b) and Rule 26(a)(3)(A)(ii) of the Federal Rules of Civil Procedure, and shall serve a list of the expected witnesses and exhibits in accord with Rule 26(a)(3)(A)(i) and (iii) of the Federal Rules of Civil Procedure.

By November 28, 2011, the parties shall file any motions in limine, any Daubert motions and/or motions relating to expert testimony, any evidentiary objections to deposition testimony, in accord with Local Rules 32.01(b) and 39.01(d)(1) and Rule 26(a)(3)(B), and any objections to proposed exhibits in accord with Rule 26(a)(3)(B).

Any responses to such motions in limine, any responses to any Daubert motions and/or motions relating to expert testimony, and any responses to objections to deposition testimony and proposed exhibits shall be filed by December 8, 2011.

By December 8, 2011, the parties shall also:

1. Submit a proposed joint pretrial order;¹
2. Exchange their final lists of witnesses and exhibits;
3. File their respective final witness and exhibit lists;
4. File a listing of all agreed stipulations; and
5. File proposed jury instructions, any special interrogatories, and any special verdict forms.

A deadline for filing pretrial briefs will be established at the pretrial conference, if appropriate.

The parties shall premark all exhibits and comply with Local Rule 39.01(c)(4).

It is so ORDERED.


JULIET GRIFFIN
United States Magistrate Judge

¹ The pretrial order shall contain (1) a recitation that the pleadings are amended to conform to the pretrial order and that the pretrial order supplants the pleadings; (2) a short summary of the plaintiff's theory (no more than one page); (3) a short summary of the defendant's theory (no more than one page); (4) the issues to be submitted to the Court and the jury; (5) any anticipated evidentiary issues; and (6) a statement that the parties have complied with the provisions of this order.